IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7632 OF 2005

Himanshu @ Hemant Rajendra Bhatt ... Applicant

versus

The State of Maharashtra ... Respondent

Subhash Jha i/by M/s.Law Global for applicant

K.V.Saste, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 25th November 2005

PC :

1. Shri Jha appearing in support fairly states that the applicant has moved an application for exemption before the Trial Court and stay of non bailable warrant. That application which is filed on 27th October 2005 is taken on record but the learned Sessions Judge observes that the application will be considered only after the accused is present.

2. Shri Jha states that is not the law of the land inasmuch as this Court in several decisions including Criminal Writ Petition No.1078 of 2005

decided on 7th July 2005, has held that such applications can be considered even in the absence of the accused. Be that as it may, Shri Jha states that the applicant would remain present before the concerned Court on Monday, the 28th November 2005 at 11.00 a.m.. The learned Judge is directed to consider the application filed for exemption and pass appropriate order thereon in accordance with law after hearing the applicant and/or his advocate. The applicant shall not be arrested till 30th November 2005. Application stands disposed of.

(S.C.DHARMADHIKARI, J.)